

county committee for the division of the deceased displaced owner's rights under this section.

(m)(1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains any unpaid marketing quota penalty due with respect to the marketing of the commodity from the acquired farm by the displaced owner, or if any of the commodity produced on the agency acquired farm has not been accounted for as required under applicable commodity regulations.

(2) If an allotment or quota for an acquired farm next established after the data of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm, or as the result of a false acreage report, the allotment or quota shall be reduced in the pool in accordance with the applicable commodity regulations.

§ 718.208 Exempting Federal prison farms and Federal wildlife refuges.

A marketing penalty shall not be assessed with respect to any commodity which is produced on a Federal prison farm or Federal wildlife refuge. This exception does not apply to penalties incurred by an individual who has a separate interest in a crop which is subject to marketing quotas and was produced on a Federal prison farm or Federal wildlife refuge.

§ 718.209 Transfer of allotments and quotas—State public lands.

(a) Transfers of allotments and quotas between farms in the same county may be permitted where both farms are lands owned by the State.

(b) An application requesting the transfer of one or more of the allotments and quotas on a farm entirely comprised of lands owned by a State shall be filed with the county committee by the State. The application shall identify the farms as being within the same county, show that each farm is entirely comprised of lands owned by the State, and list the allotments and quotas requested to be transferred. Additional information with respect to the present operations on the farms, including all leasing arrangements,

shall also be set forth in the application.

(c) The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the general planting date in the county for the commodity involved in the transfer.

(d)(1) Each transfer of an allotment and quota under this section shall be adjusted for differences in farm productivity if the yield projected for the year the transfer is to take effect for the farm to which transfer is made exceeds by more than ten percent the yield projected for the year the transfer is to take effect for the farm from which transfer is made. The county committee shall determine the amount of the allotment and quota to be transferred where a productivity adjustment is required to be made by dividing:

(i) The product of the yield for the farm from which the transfer is made and the acreage to be transferred from such farm, by

(ii) The yield for the farm to which the transfer is made.

(2) Acreage for the farm receiving the allotment or quota shall be adjusted by the same percentage as the allotment or quota being transferred is adjusted. The amount of the allotment and quota and related acreage transferred from the farm from which the transfer is made shall be the full amount, but the amount of all allotment or quota and related acreage for the farm to which the transfer is made shall be the adjusted amount.

(e) The amount of allotment and quota on a farm after a transfer under this section is made shall not exceed the average amount of allotment or quota of at least three farms with acreage of cropland similar to the farm receiving the transfer in the community having the applicable allotment acreage and quota on these farms.

(f) Each transfer of any allotment and quota shall be subject to the condition that an acreage equal to the allotment and quota transferred, before any productivity adjustment, shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made. The acreage to be devoted to and maintained in

permanent vegetative cover with respect to quota crops shall be determined by dividing the quota transferred by the yield of the farm from which the quota is transferred.

(g) Transfer of an allotment and quota under this section shall only be approved if:

(1) The county committee determines that a timely filed application has been received and that the provisions of this section have been met; and

(2) A representative of the State committee also determines that the provisions of this section have been met. If such a transfer is approved, the county committee shall issue revised notices of the allotment or quota for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. If the State committee determines that such conditions have not been met, the transfer will be canceled, and the allotment and quota shall be retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of the allotment or quota showing the reasons for the cancellation of the transfer.

PART 723—TOBACCO

Subpart A—General Provisions

Sec.

- 723.101 OMB control numbers assigned pursuant to the Paperwork Reduction Act.
- 723.102 Applicability.
- 723.103 Administration.
- 723.104 Definitions.
- 723.105 Extent of determinations, computations, and rule for rounding fractions.
- 723.106 Location of farm for administrative purposes.
- 723.107–723.110 [Reserved]
- 723.111 Flue-cured (types 11–14) tobacco.
- 723.112 Burley (type 31) tobacco.
- 723.113 Fire-cured (type 21) tobacco.
- 723.114 Fire-cured (types 22–23) tobacco.
- 723.115 Dark air-cured (types 35–36) tobacco.
- 723.116 Sun-cured (type 37) tobacco.
- 723.117 Cigar-filler and binder (types 42–44 and 53–55) tobacco.
- 723.118 Cigar-filler (type 46) tobacco.
- 723.119–723.121 [Reserved]

Subpart B—Allotments, Quotas, Yields, Transfers, Release and Reapportionment, History Acreages, and Forfeitures

- 723.201 Determination of preliminary farm acreage allotments and preliminary farm marketing quotas.
- 723.202 Determining farm acreage allotment, except for flue-cured tobacco.
- 723.203 Determination of flue-cured tobacco preliminary farm yields.
- 723.204 Determination of farm yields and normal yields.
- 723.205 Determination of farm acreage allotments and effective farm acreage allotments for flue-cured tobacco.
- 723.206 Determining farm marketing quotas and effective farm marketing quotas.
- 723.207 Determination of acreage allotments or burley marketing quotas for new farms.
- 723.208 Determination of acreage allotments, marketing quotas, and yields for divided farms.
- 723.209 Determination of acreage allotments, marketing quotas, yields for combined farms; and special tobacco combinations.
- 723.210 Corrections of errors and adjusting inequities in acreage allotments and marketing quotas for old farms.
- 723.211 Allotments, quotas, and yields for farms acquired under right of eminent domain.
- 723.212 Time for making reduction of farm marketing quotas or acreage allotments for violation of the marketing quota or acreage allotment regulations for a prior marketing year.
- 723.213 Approval of acreage allotments and marketing quotas and notices to farm operators.
- 723.214 Application for review.
- 723.215 Transfer of tobacco farm acreage allotment or farm marketing quota that cannot be planted or replanted due to a natural disaster.
- 723.216 Transfer of tobacco acreage allotment or marketing quota by sale, lease, or owner.
- 723.217 Release and reapportionment of old farm acreage allotments for Cigar-filler and Binder (types 42, 43, 44, 54, and 55) tobacco.
- 723.218 Determining tobacco history acreage.
- 723.219 Forfeiture of burley tobacco marketing quota.
- 723.220 Forfeiture of flue-cured tobacco acreage allotment and marketing quota.

Subpart C—Tobacco Subject to Quota, Exemptions From Quotas, Marketing Cards, and General Penalty Provisions

- 723.301 Identification of tobacco subject to quota.